

Rule 6A-20.038 is amended to read:

6A-20.038 Florida Work Experience Program.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 1009.40 and 1009.77, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F:A:C., and:

(a) Attend an eligible institution as specified in Section 1009.77(1), Florida Statutes.

(b) Enroll as an undergraduate student or a student in an approved educator preparation institute in an eligible program of study as specified in Section 1009.77(8), Florida Statutes, for at least six (6) credit hours or one hundred eighty (180) clock hours. A student may be employed during the break between two (2) consecutive terms. ~~A student may also be employed and not enrolled during the summer term if he preregisters as no less than a half time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half time student for the subsequent academic term.~~

(c) Demonstrate financial need by submitting, annually, a completed need analysis form approved by the Department to the need analysis agency.

(d) Be a Florida resident for other than educational purposes for a minimum of twelve (12) months immediately preceding the first day of classes of the first term of the academic year for which funds are being requested.

(e) Have earned a minimum institutional cumulative grade point average of 2.0 on a 4.0 scale ~~for all college work~~ if an initial or reinstatement student; have earned a minimum 2.0 cumulative grade point average for all college work as of the end of the second semester or third quarter to be eligible for renewal of the award.

(f) A renewal applicant must have earned, during the previous summer and two (2) semesters or three (3) quarters, the following number of credit hours per term for the number of terms for which the award was received:

1. Twelve (12) credit hours or three hundred sixty (360) clock hours for full-time enrollment,

2. Nine (9) credit hours or two hundred seventy (270) clock hours for three-quarter time enrollment, or

3. Six (6) credit hours or one hundred eighty (180) clock hours for half-time enrollment. A student who fails to earn the required credits as of the end of the second semester or third quarter is not eligible to renew the award for the following year.

(g) Not owe a repayment of a federal grant or a state grant or scholarship program unless satisfactory arrangements to repay have been made.

(h) Not to be in default on any federal Title IV loan program or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Appeals. A student may appeal under the terms of Sections 1009.42, Florida Statutes, and Rule 6A-20.0371, FAC.

(3) Maximum terms of eligibility. Students shall be eligible to participate in the program for one hundred ten (110) percent of the number of credit hours or clock hours required to complete the program of study in which enrolled ~~a maximum of eight (8) semesters or twelve (12) quarters, or the equivalent for less than full time enrollment,~~ or until receipt of a first baccalaureate degree, except as specified in Section 1009.77(1)(d), Florida Statutes, whichever comes first. ~~However, pursuant to Section 1009.40(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college level communication and computation skills testing program, or a student enrolled in~~

~~an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters or the equivalent for less than full-time enrollment.~~ An eligible five (5) year degree program is one which requires completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five (5) year eligibility does not apply to a program which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Employment requirements. Postsecondary educational institutions shall contract with public or private employers. A participating postsecondary institution cannot contract with another postsecondary educational institution. Contracts shall include as a minimum the following institutional and employer responsibilities:

(a) Institutional responsibilities are:

1. To select and refer eligible students for consideration of employment by the employer.
2. To reimburse a private employer for up to seventy (70) percent of the student's wages. If the employer is a public elementary or secondary school or the postsecondary institution, the institution shall reimburse the employer one hundred (100) percent of the student's wages. Reimbursement is limited to student wages and shall not include costs for fringe benefits, travel or other related employment costs.
3. To monitor the number of hours per week that the student works and the earnings of the student to avoid overcommitment of Florida Work Experience Program (FWEP) funds, or financial aid overawards.
4. To place the student in a job which is complementary to and reinforces the student's educational program and career goals.
5. To determine the number of hours to be worked per week; however, the student's award in

combination with all other resources shall not exceed the student's net financial need. The student's earnings shall not exceed the FWEP award by more than three hundred (300) dollars per academic year.

6. To ensure that students participating in this program are not discriminated against by employers or prospective employers on the basis of race, color, national origin, sex or handicap in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility or in pay. An institution may not honor an employer's request for students who are free of handicap or for students of a particular race, color, national origin or sex.

(b) Employer's responsibilities are:

1. To place the student on the employer's payroll and provide compensation to the student at least once per month. Such compensation shall be in an amount no less than the federal minimum hourly wage or the state minimum hourly wage, whichever is greater.

2. To be responsible for the total cost of mandatory benefits, including Social Security.

3. To provide the institution with a copy of a work agreement signed by the student and the employer which documents the duties of the job, the number of hours the student is to be employed, and the hourly rate of pay.

4. To develop and implement with the institution a program of supervision for each student which is consistent with the duties of the job and educational objectives of the student.

5. To certify that the work performed by the students employed does not displace regular employees.

6. To maintain time sheets for each student employed and provide copies to the institution when requesting reimbursement.

7. To regularly request reimbursement from the institution.

8. To provide an assurance that students will be accepted and assigned to jobs and otherwise treated without regard to race, color, national origin, sex or handicap if the employer enters into a written agreement with the institution.

(5) Other institutional responsibilities. A participating postsecondary institution shall:

(a) Determine student need in the same manner as it determines need for other need-based programs; however, earnings shall not be used to replace the family contribution.

(b) Count earnings for periods of employment during which students are not enrolled in the same manner as required by the federal Title IV College Work Study Program.

(6) On-campus student employment. Institutions may use up to one hundred (100) ~~twenty-five (25)~~ percent of their total FWEP allocations for student employment within the institution. The institution shall be reimbursed for one hundred (100) ~~seventy (70)~~ percent of student wages. Funds from other student financial aid sources shall not be used to provide the institution's ~~thirty (30)~~ percent portion of mandatory benefits ~~the students' wages~~.

(7) Other reimbursable costs. Institutions may use up to ten (10) percent of their total FWEP allocations to meet the costs of program administration at the institution. Such costs may include, but are not limited to salaries, office supplies, printing and program advertising.

(8) Allocations. The Department shall allocate funds annually to be used by institutions during the July 1 through June 30 state fiscal year. To be eligible for funds, institutions must certify to the Department via the State Student Financial Aid Database ~~complete and submit~~ by the deadlines established by the Department by June 30 ~~Form FWEP-1, Florida Work Experience Program Allocation~~ ~~Institutional Request for Funds Due by June 30~~; FWEP-2, Florida Work Experience Program Annual Financial Summary ~~Year-End Student Data Report~~ due by July 30; and Form FWEP-3, Disbursement Eligibility Report, due within thirty (30) days

after the end of each term. These forms as incorporated by reference to become effective with the effective date of this rule can be obtained via the State Student Financial Aid Database at [www.FloridaStudentFinancialAid.org](http://www.FloridaStudentFinancialAid.org) which are hereby incorporated by reference and made a part of this rule to become effective April 1993. Copies of forms FWEP 1, FWEP 2, and FWEP 3 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Allocations will be made by the Department as follows:

(a) Each institution will receive a base allocation equal to the lesser of its reported expenditures for the prior fiscal year or the amount of its request unless a newly participating institution whose baseline will be an amount determined by the Department. When funds are insufficient to make such allocations, each institution will receive a proportional allocation of available funds based on the current year appropriation ratio of each institution's prior year expenditures to the total funds needed to meet the base allocation ~~prior year expenditures of all institutions.~~

~~(b) The Department may designate any unused portion of an institution's prior year allocation for use toward the institution's current year allocation, or may use such a balance to increase the institution's current year allocation.~~

~~(b)(e)~~ From current year funds that ~~remain available or that~~ become available during the fiscal year, the Department ~~will make allocations to newly participating institutions, and~~ may increase allocations to institutions ~~that participated during the previous year~~ based on the institutions' original requests, written supplemental requests or as determined by the Department based on other institutional needs.

~~(c)(d)~~ The Department will provide for the delivery of funds to students each academic term

~~by transmitting the funds to the institution for distribution to students shall disburse the institutional allocation in equal portions in September and December. The Department may make preliminary allocations and disbursements in July to institutions that participated in the FWEP during the previous fiscal year.~~

~~(d) (e) Any unused portion of an institution's previous year allocation shall be refunded to the Department no later than June 1 of each year within sixty (60) days of the end of the fiscal year except as described under paragraph (9)(c) of this rule.~~

(9) Use of FWEP funds. Funds provided under this program shall not be used to replace institutional funds which would otherwise be used to support such student employment.

Specific Authority 1001.02(1), 1009.77(7) FS. Law Implemented 1009.40, 1009.42, 1009.77 FS.

History—New 7-1-93, Amended 10-15-02,